

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRYANT JOHNSON	:	CIVIL ACTION
	:	
v.	:	
	:	
JON L. FISHER, et al	:	10-3406

ORDER

AND NOW, this 7th day of December, 2010, upon consideration of Petitioner's *pro se* Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254, the Commonwealth's Motion to Dismiss, Petitioner's Response to the Respondent's Motion to Dismiss, and Petitioner's objections,¹ and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, it is hereby **ORDERED** that:

1. Petitioner's objections are **OVERRULED**;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. The Petition for Writ of Habeas Corpus is **DISMISSED WITHOUT PREJUDICE** to Petitioner's right to re-file **promptly** at the conclusion of state court proceedings;
4. Respondents' "Motion to Dismiss" (Doc. No. 9) is hereby **GRANTED**, for reasons set forth in the attached Report and Recommendation; and
5. Petitioner has not yet met statutory requirements to have his case heard, and no reasonable jurist could find this procedural ruling debatable; thus, a certificate of appealability is **DENIED**.

BY THE COURT:
/s/ MITCHELL S. GOLDBERG

MITCHELL S. GOLDBERG, J.

¹ On November 30, 2010, the Respondent filed a "brief informal response" to Petitioner's objections. (Doc. No. 21.) In a letter dated December 1, 2010, Petitioner responded to this informal response. We have also considered these submissions in our review of Mr. Johnson's Petition.